

HONOURABLE SRI JUSTICE P. KESHA RAO

WRIT PETITION No.28223 of 2019

ORDER:

Heard the learned counsel for the petitioners and the learned Standing counsel appearing for the 2nd respondent – Municipality.

The prayer sought in the writ petition is as under:

“... to issue an appropriate writ, order or direction more particularly one in the nature of mandamus, declare the action of the 2nd respondent in not considering my application for building permission vide challan No.CN/3112/2019/0012 dated 08.11.2019 by applying the deemed provision as per the provisions of sub Section 9 of Section 174 of the Telangana Municipality Act, 2019 as being illegal and arbitrary and principles of natural justice.”

Learned counsel for the petitioners submits that the petitioners purchased the subject property in the year 2016 vide registered document No.5531 of 2016 dated 30.12.2016 from their vendors by paying a valid sale consideration of Rs.8,93,000/- and applied for permission for construction of a building vide File No.3059/W30/2019/1151 dated 11.07.2019 by paying the requisite fee vide challan No.CN-3059/2019/0279. Since the 2nd respondent – Municipality have not passed any orders within the stipulated time, the petitioners invoked the deemed provision. After informing the said fact to the 2nd respondent – Municipality, the petitioners commenced the construction as per the plan submitted for permission. However, during the pendency of the writ petition, the 2nd respondent – Municipality passed orders in File No.3112/W1/2019/0009 dated 16.12.2019 rejecting the

application of the petitioners on the ground that the construction commenced is with deviation and also with a cellar.

Learned counsel for the petitioners, on instructions, submits that the petitioners are making construction as per the plan submitted to the 2nd respondent – Municipality. He also submits that if any offending portions are there in violation of the sanctioned plan, the 2nd respondent can take appropriate steps. Further, since the 2nd respondent has already passed final orders by issuing rejection letter dated 16.12.2019, no further cause would survive in the writ petition and the same is liable to be closed.

Accordingly, the writ petition is closed. However, the petitioners are given liberty to challenge the order of rejection passed vide File No.3112/W1/2019/0009 dated 16.12.2019. No order as to costs.

Miscellaneous petitions, if any, shall stand closed.

Date: 26.02.2020.
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P. KESHA RAO, J